

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

WILLIAM R. SKOTZKE,
MICHAEL K. BROWN, and
ROBERT J. LEATHERS,

Plaintiffs,

v.

Case No. 18-CV-1653

KURT PICKNELL, KEVIN WILLIAMS,
JOHN DELANEY, J. S. SAWYERS,
S. SAX, SGT. SAULTELL,
SGT. CRAIG, CO BARDECKI,
CO SCHMIDT, and CO PHILLIPS,

Defendants.

ORDER

Plaintiffs William R. Skotzke, Michael K. Brown, and Robert J. Leathers filed a *pro se* complaint alleging that the defendants subjected them to unconstitutional conditions of confinement at the Walworth County Jail. Plaintiff Skotzke is the only plaintiff who signed the complaint. The court now issues this order dismissing plaintiffs Skotzke and Leathers for failure to prosecute, and directing plaintiff Brown to file a signed copy of the complaint.

This case is currently assigned to Magistrate Judge Duffin. However, because not all parties have had the opportunity to consent to magistrate judge jurisdiction, the case was referred to a District Judge for the limited purpose of dismissing plaintiffs Skotzke and Leathers. The case will be returned to Magistrate Judge Duffin after entry of this order.

Regarding plaintiff Skotzke, on October 31, 2018, the court ordered him to pay an initial parting filing fee of \$54.90 by November 21, 2018. ECF No. 12. The court mailed this order to

plaintiff Skotzke at the Walworth County Jail, his last known address. On November 8, 2018, this order was returned as undeliverable and “Unable to forward.” Based on plaintiff Skotzke’s failure to provide the court with his current address, it appears that he no longer wants to prosecute this case. *See* Civil L.R. 41(c) (E.D. Wis.).

Regarding plaintiff Leathers, on October 18, 2018, the day after the complaint was filed, clerk’s office staff sent Leathers a letter directing him to sign the complaint and enclosed a copy of the complaint for him to sign and return to the court. This letter also directed plaintiff Leathers to submit to the court within twenty-one days (by November 8, 2018) a Consent/Refusal to magistrate judge jurisdiction form as well as the filing fee or a Request to Proceed in District Court Without Prepaying the Filing Fee form along with a six-month trust account statement. Plaintiff Leathers did not sign the complaint and he has not filed anything in this case. Therefore, it appears that he does not want to prosecute this case. *See* Civil L.R. 41(c) (E.D. Wis.).

Regarding plaintiff Brown, clerk’s office staff also sent him a letter directing him to sign the complaint and enclosed a copy of the complaint for him to sign and return to the court. Plaintiff Brown has not submitted a signed complaint, as directed. The letter from clerk’s office staff also directed plaintiff Brown to submit a Consent/Refusal to magistrate judge jurisdiction form as well as the filing fee or a Request to Proceed in District Court Without Prepaying the Filing Fee form along with a six-month trust account statement. Plaintiff Brown has submitted a Consent/Refusal form, a Request to Proceed in District Court Without Prepaying the Filing Fee form, a six-month trust account statement and, after the court assessed him an initial partial filing fee, a \$65.68 initial partial filing fee. Thus, it appears that he wants to prosecute this case. However, plaintiff Brown must sign the complaint. *See* Fed. R. Civ. P. 11(a). The court will mail plaintiff Brown another copy

of the complaint for him to sign and return. If plaintiff Brown does not sign and return the complaint by December 18, 2018, this case may be dismissed.

IT IS THEREFORE ORDERED that plaintiff Brown file a signed copy of the complaint by **December 18, 2018**, or this case may be dismissed.

IT IS FURTHER ORDERED that clerk's office staff mail plaintiff Brown a copy of the complaint for him to sign and return.

IT IS FURTHER ORDERED that plaintiffs Skotzke and Leathers are **DISMISSED without prejudice** for failure to prosecute.

IT IS FURTHER ORDERED that plaintiff Stotzke's motion for leave to proceed without prepayment of the filing fee (ECF No. 2) is **DENIED as moot**.

IT IS FURTHER ORDERED that this case be returned to United States Magistrate Judge Duffin for further proceedings.

Dated at Green Bay, Wisconsin this 6th day of December, 2018.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court - WIED